

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ACQIS LLC,

Plaintiff,

v.

EMC Corporation,

Defendant.

Case No. 6:13-cv-639-LED

Jury Trial Demanded

UNOPPOSED MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Plaintiff ACQIS LLC moves the Court for leave to file an amended complaint asserting U.S. Patent Nos. RE43,119 (“the ‘119 patent”), RE41,961 (“the ‘961 patent”), and RE42,984 (“the ‘984 patent”) against Defendant EMC Corporation and, in support thereof, states as follows:

1. ACQIS filed its Original Complaint on September 9, 2013 against EMC. In its Original Complaint, ACQIS alleged that EMC infringed eight of its patents, not including the ‘119, ‘961, and ‘984 patents. ACQIS filed its First Amended Complaint on September 27, 2013. In its First Amended Complaint, ACQIS alleged infringement of the same patents included in the Original Complaint.

2. Plaintiff seeks leave of this Court to amend its Complaint, pursuant to Fed. R. Civ. P. 15, in order to additionally assert the ‘119, ‘961, and ‘984 patents against EMC. The proposed Second Amended Complaint is attached as Exhibit 1 hereto.

3. The Case Management Conference has not been scheduled, and no discovery has been propounded in this case to date. Therefore, the requested amendments will not affect discovery, nor delay trial of this case.

4. Defendant EMC does not oppose this amendment and has consented in writing pursuant to Fed. R. Civ. P. 15(a)(2).

WHEREFORE, Plaintiff ACQIS LLC moves the Court to grant leave to file and serve the attached and proposed Second Amended Complaint.

Dated: March 7, 2014

Respectfully submitted,

/s/ Peter Sauer

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this **UNOPPOSED MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT** was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile and/or U.S. First Class Mail on March 7, 2014.

/s/ *Peter Sauer*

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